

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Fig. 1. In Fig. 1, the text "IRB 1" in the upper lefthand corner of element 120 is replaced with the text "IRB 2".

Attachment: Replacement Drawing Sheet

Annotated Drawing Sheet Showing Changes

REMARKS

Claims 1-25 are pending. Claims 4-9, 15-17 and 22 stand objected to. Claims 1-3, 10-14, 18-21 and 23-25 stand rejected. Reconsideration and allowance of all pending claims of this application are respectfully requested in light of the foregoing amendments and following remarks.

Objections to the Drawings

Fig. 1 of the drawings was objected to due to incorrect text in element 120. The drawings have been amended as indicated above to correct the issue. Withdrawal of the objection is therefore respectfully requested.

Objection to the Specification

The specification stands objected to as failing to include a "summary of the invention" section. This ground of objection is respectfully traversed. There is no requirement for a "summary of the invention" in the patent statute, the rules, or the MPEP. 37 C.F.R. §1.73 indicates that the summary "should precede the detailed description," but adds that "[s]uch summary should, when set forth, be commensurate with the invention as claimed" (emphasis added). Similarly, 37 C.F.R. §1.77 includes the summary in a list of sections that the "specification should include . . . in order;" however, the context of §1.77 is the "Arrangement of application elements." Therefore, the language indicating that the summary "should" be included in a particular place refers to the location of the summary and not to whether the summary is actually included. More broadly, the applicable statutory section (35 U.S.C. §112, first paragraph) requires only that the specification include a written description that is enabling and that discloses Applicant's best mode of practicing the invention. No mention is made in §112 of any requirement for a summary. Although the a summary is mentioned in MPEP §608.01(a) as part of a "preferred" style for the specification, it is clearly permissive rather

than required. MPEP §608.01(a) even indicates that it is permissible for Applicants to optionally include a sub-heading such as "Brief Summary of the Invention", followed simply by the words "Not Applicable" and no other text. For these reasons, it is respectfully submitted that the Examiner's objection to the absence of a summary section is without basis and must be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 1, 12, and 20 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. This rejection is respectfully traversed. First, the "ordered access rules" objected to are contained within the preamble to the claim, rather than being listed as claim elements. According to the MPEP §2111.02 (II), "If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitation, then the preamble is not considered a limitation and is of no significance to claim construction." (citing *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999). *See also* *Rowe v. Dror*, 112 F.3d 473, 478 (Fed. Cir. 1997); *Kropa v. Robie*, 187 F.2d at 152; and *STX LLC v. Brine*, 211 F.3d 588, 591 (Fed. Cir. 2000)). Applicant submits that each independent claim particularly points out and distinctly claims the invention through the use of individual claim elements. Further refinements are presented as additional limitations in dependent claims.

Second, the phrase "ordered access rules" must be interpreted in the context of the specification as well as in light of the knowledge of one having ordinary skill in the art. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005). In the current application, for example, paragraphs 3, 11-13 and 25-29 each describe ordered access rules in the context of an ACL. The specification also makes clear that many different orderings may apply -

including orderings based upon “decision trees” or domain-specific “languages.” Applicant submits that these examples provide enough context for one having ordinary skill in the art to properly understand and interpret the claims, including the phrase “ordered access rules” as used in the preamble.

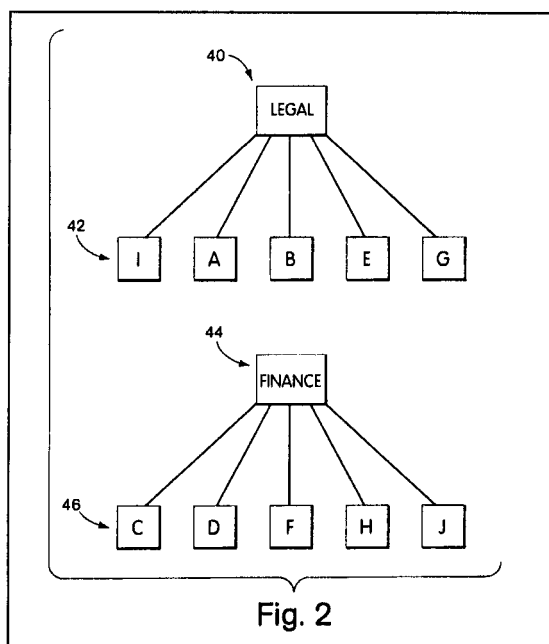
Rejections Under 35 U.S.C. § 101

Claims 1-25 stand rejected under 35 U.S.C. §101 as being directed to unpatentable subject matter. In response, Applicants have amended independent claims 1, 12, and 20 such that the invention as claimed therein produces a useful, concrete, and tangible result; namely, application of the access rules in the list to enforce policies and permissions to control access to various network resources.

Therefore, it is respectfully submitted that the rejection under 35 U.S.C. § 101 is without basis and must be withdrawn. Notice to that effect is respectfully requested.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 12, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,041,347 to Harsham et al. (Harsham). This rejection is respectfully traversed. Specifically, MPEP §2131 indicates that, to anticipate a claim, a reference must teach each and every element recited in the claim. In paragraph 11 of the present Office Action, for example, the Examiner asserts that “Harsham teaches the claimed, if the list is empty, creating a new independent rule block and inserting the access rule therein (blocks are considered as groups) (Fig. 2, col. 4, lines 28-29).” Fig. 2 of Harsham is reproduced below:



Column 4, lines 28-31 of Harsham states: "For example, as shown in FIG. 2, a logical group of objects 40, herein labeled 'legal' may include several machines within the network such as machines A,B, E, G and I as shown at 42." Clearly, the cited portion of Harsham fails to teach the limitation against which it is cited; in particular, even assuming *arguendo* that Harsham's "groups" are equivalent to Applicants' blocks, as the Examiner claims, the cited portion fails to teach inserting a new access rule, as required by claim 1. Even broadly interpreted, the cited portion merely teaches organizing computers into logical groups.

The Examiner next asserts that Harsham teaches "if the list is not empty, creating from the list a set of mapped independent rule blocks" at column 4, lines 25-28. However, the cited text, which states "[a]ccordingly, in the present invention, various logical groups of individual machines and groups of machines in the computer network may be defined" clearly fails to teach the subject limitation. Once again, even a broad interpretation of the cited portion results in the portion teaching merely organizing computers into logical groups.

The portions of Harsham cited by the Examiner as teaching the remaining elements of claim 1 are similarly deficient in anticipating the element against which they are cited.

In view of the foregoing, it is apparent that Harsham fails to anticipate claim 1 as it fails to teach every element thereof. Each of claims 12 and 20 includes limitations similar to those of claim 1 and is therefore also not anticipated by Harsham. Claims 5-10, 13-19, 22, 25, 26, 29, and 30 depend from and further limit claims 1, 12, and 20 and are therefore also not anticipated by Harsham at least by virtue of their dependency.

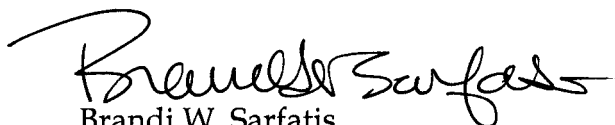
Allowable Subject Matter

Claims 4-9, 15-17, and 22 stand objected to as being dependent upon a rejected base claim, but the Examiner has indicated that those claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. At this point, Applicants have deemed it unnecessary to thus amend the claims, given that the claims are otherwise allowable for the reasons described in detail above.

Conclusion


It is respectfully submitted that all the claims in the application are in condition for allowance. Should the Examiner deem that any further amendment is needed to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,


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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>12/20/06</u> , 2006.
 Debbie Ludwig